

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

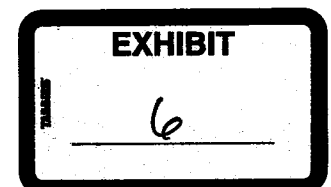
STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05 CV 00329 GKF-SAJ
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

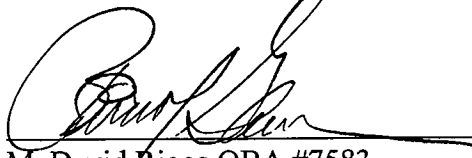
AMENDED
NOTICE OF DEPOSITION TO
CARGILL TURKEY PRODUCTION, LLC
(Rule 30(b)(6) of the Federal Rules of Civil Procedure)

Please take notice that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the deposition of Cargill Turkey Production, LLC, (hereinafter "CTP"), by and through its duly designated representative(s), shall be taken by the State at 9:00 O'clock A.M. on **January 30, 2008** at the offices of Rhodes, Hieronymus, Jones, Tucker & Gable, 100 W. 5th St., Suite 400, Tulsa, Ok, before a qualified court reporter and videographer, such examination to continue by adjournment, if necessary, until the same is completed on those matters set forth in the attached Exhibit "A":

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
ATTORNEY GENERAL
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Tina Lynn Izadi OBA #17978
Daniel P. Lennington OBA #21577
ASSISTANT ATTORNEYS GENERAL
State of Oklahoma
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921





M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Douglas A. Wilson OBA #13128
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

Louis Werner Bullock OBA #1305
James Randall Miller OBA #6214
MILLER, KEFFER & BULLOCK
110 West Seventh Street Suite 707
Tulsa OK 74119
(918) 584-2001

David P. Page OBA #6852
BELL LEGAL GROUP
P. O. Box 1769
Tulsa, Ok 74101-1769
(918) 398-6800

Frederick C. Baker
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
MOTLEY RICE, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

William H. Narwold
(admitted *pro hac vice*)
Ingrid L. Moll
(admitted *pro hac vice*)
MOTLEY RICE, LLC
20 Church Street, 17th Floor

Hartford, CT 06103
(860) 882-1676

Jonathan D. Orent
(admitted *pro hac vice*)
Michael G. Rousseau
(admitted *pro hac vice*)
Fidelma L. Fitzpatrick
(admitted *pro hac vice*)
MOTLEY RICE, LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

Attorneys for the State of Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January, 2008, I electronically transmitted the above and foregoing pleading to the following counsel of record:

W. A. Drew Edmondson, Attorney General	fc_docket@oag.state.ok.us
Kelly H. Burch, Assistant Attorney General	kelly_burch@oag.state.ok.us
J. Trevor Hammons, Assistant Attorney General	trevor_hammons@oag.state.ok.us
Tina Lynn Izadi, Assistant Attorney General	tina_izadi@oag.state.ok.us
Daniel P. Lennington, Assistant Attorney General	daniel.lennington@oag.ok.gov

M. David Riggs	driggs@riggsabney.com
Joseph P. Lennart	jlennart@riggsabney.com
Richard T. Garren	rgarren@riggsabney.com
Douglas A. Wilson	doug_wilson@riggsabney.com
Sharon K. Weaver	sweaver@riggsabney.com
Robert A. Nance	rnance@riggsabney.com
D. Sharon Gentry	sgentry@riggsabney.com
RIGGS, ABNEY, NEAL, TURPEN, ORBISON & LEWIS	

Louis Werner Bullock	lbullock@bullock-blakemore.com
James Randall Miller	rmiller@mkblaw.net
MILLER, KEFFER & BULLOCK	

David P. Page	dpage@edbelllaw.com
BELL LEGAL GROUP	

Frederick C. Baker	fbaker@motleyrice.com
Lee M. Heath	lheath@motleyrice.com

Elizabeth C. Ward
Elizabeth Claire Xidis
William H. Narwold
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
MOTLEY RICE, LLC
Counsel for State of Oklahoma

lward@motleyrice.com
cxidis@motleyrice.com
bnarwold@motleyrice.com
imoll@motleyrice.com
jorent@motleyrice.com
mrousseau@motleyrice.com
ffitzpatrick@motleyrice.com

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger
PERRINE, MCGIVERN, REDEMANN, REID, BARRY & TAYLOR, P.L.L.C.

rredemann@pmrlaw.net
lzingue@pmrlaw.net
dsenger@pmrlaw.net

Robert E Sanders
Edwin Stephen Williams
YOUNG WILLIAMS P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

Counsel for Cal-Maine Farms, Inc and Cal-Maine Foods, Inc.

John H. Tucker
Theresa Noble Hill
Colin Hampton Tucker
Leslie Jane Southerland
RHODES, HIERONYMUS, JONES, TUCKER & GABLE

jtucker@rhodesokla.com
thill@rhodesokla.com
ctucker@rhodesokla.com
ljsoutherland@rhodesokla.com

Terry Wayen West
THE WEST LAW FIRM

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Dara D. Mann
Krisann C. Kleibacker Lee
Todd P. Walker
FAEGRE & BENSON, LLP

dehrich@faegre.com
bjones@faegre.com
dmann@faegre.com
kklee@faegre.com
twalker@faegre.com

Counsel for Cargill, Inc. & Cargill Turkey Production, LLC

James Martin Graves
Gary V Weeks
Paul E. Thompson, Jr
BASSETT LAW FIRM

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
pthompson@bassettlawfirm.com

George W. Owens

gwo@owenslawfirm.com

Randall E. Rose
OWENS LAW FIRM, P.C.
Counsel for George's Inc. & George's Farms, Inc.

rer@owenslawfirm.com

A. Scott McDaniel
Nicole Longwell
Philip Hixon
Craig A. Merkes
MCDANIEL, HIXON, LONGWELL & ACORD, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmerkes@mhla-law.com

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
Counsel for Peterson Farms, Inc.

sbartley@mwsgw.com

John Elrod
Vicki Bronson
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, LLP
Counsel for Simmons Foods, Inc.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com
bfreeman@cwlaw.com
rfunk@cwlaw.com

Stephen L. Jantzen
Paula M. Buchwald
Patrick M. Ryan
RYAN, WHALEY, COLDIRON & SHANDY, P.C.

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Thomas C. Green
SIDLEY, AUSTIN, BROWN & WOOD LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
tcgreen@sidley.com

Robert W. George
Michael R. Bond
Erin W. Thompson
KUTAK ROCK, LLP
Counsel for Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., & Cobb-Vantress, Inc.

robert.george@kutakrock.com
michael.bond@kutakrock.com
erin.thompson@kutakrock.com

R. Thomas Lay
KERR, IRVINE, RHODES & ABLES

rtl@kiralaw.com

Jennifer Stockton Griffin
David Gregory Brown
LATHROP & GAGE LC
Counsel for Willow Brook Foods, Inc.

jgriffin@lathropgage.com

Robin S Conrad
NATIONAL CHAMBER LITIGATION CENTER

rconrad@uschamber.com

Gary S Chilton
HOLLADAY, CHILTON AND DEGIUSTI, PLLC
Counsel for US Chamber of Commerce and American Tort Reform Association

gchilton@hcdattorneys.com

D. Kenyon Williams, Jr.
Michael D. Graves
Hall, Estill, Hardwick, Gable, Golden & Nelson
Counsel for Poultry Growers/Interested Parties/ Poultry Partners, Inc.

kwilliams@hallestill.com

mgraves@hallestill.com

Richard Ford
LeAnne Burnett

richard.ford@crowedunlevy.com
leanne.burnett@crowedunlevy.com

Crowe & Dunlevy
Counsel for Oklahoma Farm Bureau, Inc.

Kendra Akin Jones, Assistant Attorney General
Charles L. Moulton, Sr Assistant Attorney General

Kendra.Jones@arkansasag.gov
Charles.Moulton@arkansasag.gov

Also on this 21st day of January, 2008, I mailed a copy of the above and foregoing pleading to:

David Gregory Brown

Lathrop & Gage LC
314 E HIGH ST
JEFFERSON CITY, MO 65101


Thomas C Green
Sidley Austin Brown & Wood LLP
1501 K ST NW
WASHINGTON, DC 20005

Cary Silverman
Victor E Schwartz
Shook Hardy & Bacon LLP (Washington DC)
600 14TH ST NW STE 800
WASHINGTON, DC 20005-2004

C Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 NORTH CLASSEN
OKLAHOMA CITY, OK 73118

Gary V. Weeks
Bassett Law Firm
P. O. Box 3618
Fayetteville, AR 72702

Dustin McDaniel
Justin Allen
Office of the Attorney General (Little Rock)
323 Center St, Ste 200
Little Rock, AR 72201-2610



Richard T. Garren

“EXHIBIT A”

I. Definitions

1. "You" or "Yours" means Cargill Turkey Production, LLC, ("CTP"), and includes any parent, holding company, sister corporation, subsidiary, partnership, joint venture, association, owned by or which CTP has an interest.

2. "Your poultry growing operations" means any poultry growing facility where birds owned by you are being fed, produced or grown.

3. As used herein poultry waste means poultry excrement, bedding material, feed wastes and any other waste associated with the confinement of poultry in a grow house which is removed periodically from the grow house and used or disposed of elsewhere, also commonly referred to by the Poultry Integrator Defendants as poultry litter.

II. Areas of Inquiry:

1. Your corporate history, businesses, and organizational structure, including without limitation:

- a. identification of officers, directors, managers and shareholders of CTP, its divisions, and subsidiaries past and present and those officers, directors managers and shareholders which are or have been shareholders, officers, directors, and managers of Cargill Inc.;
- b. CTP's relationship direct or indirect with any parent, affiliate, holding company or subsidiary;
- c. CTP's relationship in or to any LLC, limited partnership, joint venture, corporation, public company or association;
- d. Identification of any other areas of corporate business or operation conducted by you in addition to your growing, processing and marketing of poultry and poultry products,

- e. Notices from governmental agencies alleging that CTP, its subsidiaries, agents or employees were/are a potential responsible party at sites under CERCLA or other environmental cleanup laws;
- f. Identification of any cleanup sites where costs were incurred by (or alleged to be due from) CTP, its subsidiaries, agents or employees for environmental harm from the constituents of poultry waste such as Nitrogen, Phosphorus (Phosphorous), Potassium including compounds thereof, and/or any pathogens and bacteria.
- g. Explanation and correlation of the business platforms and business units employed by Cargill Inc for or with CTP, with any corporate entities owned or affiliated with Cargill Inc. including an explanation and correlation of the corporate structure of all corporations, limited liability companies, partnerships, and organizations identified.

2. The facts, reason and basis supporting or relied on by you for responses made to the States Discovery Requests including Request for Admissions and Interrogatories served on or about April 20, 2007, September 13, 2007, October 3, 2007, and October 11, 2007.

3. The contracts, its terms and conditions, between you and poultry growers located in the Illinois River Watershed ("IRW"), past and present, including the contracts themselves and any attachments, amendments or changes to the contracts considered, proposed or adopted and whether and how the terms and conditions, of your contracts with poultry growers located outside of the IRW, past and present, are/were different than those utilized for growers within the IRW.

4. The relationship between you and persons / entities owning or operating poultry growing operations under contract with you.

5. The management, supervision, inspection and monitoring by you of persons / entities owning or operating poultry growing operations under contract with you.

6. The number, size and location of poultry houses / barns and the number of and kind of birds raised in the IRW each year by you or poultry growers under contract with you, including without limitation:

- a. knowledge of all documents produced by CTP in this case as being responsive to the State's inquiry about the number and kind of birds

raised/grown by CTP and/or its contract growers yearly or annually within the IRW past and present, including without limitation CARTP 123574-123734; and

- b. knowledge and explanation of CTP's investigation, examination of records, determination and calculation as to the total number of birds it produced annually (fiscal year) in the IRW as required by the courts Opinion and Order December 6, 2007, Docket #1409.

7. The identity of the composition and constituents of poultry waste generally, and of poultry waste generated at your poultry growing operations within the IRW specifically, past and present, as well as any studies, analyses, testing, investigations or research of the composition or constituents of poultry waste including without limitation identification of any difference between turkey and chicken excrement.

8. The amount of poultry waste generated during the lifetime of an individual bird or flock of birds, specified by bird types and number, owned by you, past and present, within the IRW.

9. The amount of poultry waste generated by each or all of your poultry growing operations within the IRW on an annual, twelve month or comparable period including without limitation:

- a. your breeder farms; and
- b. documents relating to such breeder farms, including without limitation, those identified as CARTP 123736-123848.

10. Practices, policies, recommendations and procedures, past and present, pertaining to the management, handling, storage, transportation, sale, trading, spreading on land, disposition, and disposal of poultry waste generated by your poultry growing operations in the IRW.

11. The amount of and specific locations, past and present, where poultry waste generated by each and all of your poultry growing operations has been spread on land within the IRW.

12. Knowledge or awareness of the run-off / discharge / release of poultry waste (or any constituents thereof) from land or locations on which poultry waste generated by your poultry growing operations within the IRW has been stored, spread on or disposed of.

13. The environmental and human health effects / impacts of run-off / discharge / release of poultry waste (or any constituents thereof) from land or locations within the IRW on which poultry waste generated by your poultry growing operations has been stored, spread on or disposed of.

14. The efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental and human health effects / impacts of run-off / discharge / release of poultry waste (or any constituents thereof) from land or locations within the IRW on which poultry waste generated by your poultry growing operations has been stored, spread on or disposed of.

15. The location(s) where poultry waste (or any constituents thereof) generated by your poultry growing operations that has run-off / been discharged / been released from land within the IRW has come to be located.

16. Knowledge and use of Best Management Practices for the handling, storage, transport, use or disposal of poultry waste generally and in the IRW specifically and the effectiveness of best management practices in preventing run-off / discharge / or release of poultry waste or the constituents of those into the waters of the IRW.

17. Actions (including but not limited to disciplinary actions) you have taken or contemplated taking against any of your poultry growers within the IRW pertaining to the handling, storage, transport, use, spreading on land, or disposal of poultry waste.

18. Knowledge or use of, investments made for or in, any alternative methods for the use or disposal of poultry waste.

19. Cargill Inc.'s interaction and communications with, management of, and supervision of CTP.